

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT STONE,

Petitioner,

-against-

WARDEN HUETT,

Respondent.

1:22-CV-8545 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Petitioner Robert Stone, who is presently in the custody of the Federal Bureau of Prisons (“BOP”) via its Residential Reentry Management Field Office in Philadelphia, Pennsylvania (“RRM Philadelphia”), filed a *pro se* petition for a writ of *habeas corpus* under 28 U.S.C. § 2241 while he was incarcerated by the BOP in its Federal Correctional Institution in Otisville, New York.¹ The Court understands the petition and its supplement as seeking Section 2241 *habeas corpus* relief from the BOP’s execution of the remainder of Petitioner’s federal sentence via incarceration, and his release into a “halfway house,” home confinement, or under terms of supervised release. Because Petitioner is presently in BOP custody via RRM Philadelphia, however, it appears that, subsequent to the filing of his petition, the BOP may have granted him the relief he seeks – release from incarceration into a halfway house, home confinement, or under terms of supervised release.

Accordingly, the Court directs Petitioner to show cause by declaration, within 30 days, why the Court should not deny his Section 2241 *habeas corpus* petition as moot. A declaration form is attached to this order. If Petitioner fails to file a declaration within the time allowed, or

¹ Petitioner has paid the fee to bring this *habeas corpus* action. He has also filed a letter, which the Court construes as a supplement to the petition. (ECF 3.)

fails to show good cause as to why the Court should not deny the petition as moot, the Court will deny the petition as moot.

Because the petition makes no substantial showing of a denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: November 29, 2022
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge